



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
440 West 200 South, Suite 500
Salt Lake City, UT 84101-1345
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:

3100
(UT-922)

May 8, 2012

CERTIFIED MAIL – 7010 3090 0000 8061 2339
Return Receipt Requested

DECISION

Theodore Roosevelt Conservation Partnership : Protest to the Inclusion of Certain Parcels
Katie Distler Eckman, Board Chair : In the June 2008 Competitive
1660 L Street NW, Suite 208 : Oil and Gas Lease Sale
Washington, D.C., 20036 :

PROTEST DENIED

On April 18, 2008, the Bureau of Land Management (BLM) provided proper notice to the public that certain parcels of land would be offered in a competitive oil and gas lease sale scheduled to be held on June 5, 2008. By letter received on May 20, 2008, the Theodore Roosevelt Conservation Partnership (TRCP) submitted a timely protest to the inclusion in the sale of the following 12 parcels located on public lands administered by the BLM's Price and Vernal field offices:

UTU86170	UTU86171	UTU86172
UTU86174	UTU86175	UTU86176
UTU86177	UTU86178	UTU86179
UTU86180	UTU86181	UTU86182

Background

By an erratum issued on May 29, 2008, parcels UTU86178, UTU86179 and UTU86180 were deferred from the lease sale, which was then held as scheduled on June 5, 2008. At the sale, bids were rejected for parcels UTU86176 and UTU86177. Successful bids were submitted for parcels UTU86175 and UTU86182. However, refunds were subsequently granted on parcels UTU86175 and UTU86182 (September 15, 2009 and May 13, 2010, respectively). On June 30, 2010, BLM issued a decision to this organization denying its May 20, 2008 protest as it pertains to parcels UTU86170, UTU86171, UTU86172 and UTU86174. Consequently, the protest as it pertains to these 11 parcels is moot. This decision responds to the TRCP protest as it pertains to parcel UTU86181.

For the reasons set forth below, the protest is denied.

Decision

TRCP makes only general allegations, unsupported by specific facts, in its protest. For example, TRCP expresses concern over oil and gas development activity and potential impacts to crucial big game winter range, fawning habitat, migration routes, sage-grouse habitat and hunting opportunities. Overall, general allegations are made concerning inadequate National Environmental Policy Act compliance based on an insufficient consideration of new information beyond that contained in the pre-2008 governing land use plans and the completion of required analysis before leasing. TRCP contends that it is inappropriate to lease within documented sage grouse habitat pending further study and that parcels should not be sold until the governing land use plans are updated and there is compliance with the State of Utah's wildlife management goals for sensitive species. TRCP generally alleges that obligations required by the Federal Land Policy and Management Act have not been met because BLM has not demonstrated compliance with the unnecessary or undue degradation standard. Lastly, TRCP maintains that hunting trends and opportunities have not been adequately addressed, including issues of recreation impacts and opportunities as required by Executive Order 13443 (Facilitation of Hunting Heritage and Wildlife Conservation). However, nowhere in the protest did TRCP attempt to explain how any of its general allegations may apply to parcel UTU86181.

It is well established that BLM properly dismisses a protest where the protestant makes only conclusory or vague allegations or the protestant's allegations are unsupported by facts in the record or competent evidence. See, e.g., Southern Utah Wilderness Alliance, 122 IBLA 17, 20-21 (1992); John W. Childress, 76 IBLA 42, 43 (1983); Patricia C. Alker, 70 IBLA 211, 212 (1983); Geosearch, Inc., 48 IBLA 76 (1980). The TRCP protest suffers from the same fundamental flaws and is hereby denied for the same reason.

The BLM is under no obligation to sort through a protestant's list of alleged errors and attempt to discern which alleged errors the protestant intended to invoke for a particular parcel. Such an unduly burdensome and inefficient process would unreasonably divert the time and resources that the BLM otherwise needs to manage the public lands as mandated by Congress.

For the BLM to have a reasonable basis to consider future TRCP protests, TRCP must identify for each parcel it protests, the specific ground for protest and explain how it applies to the parcel. Any allegations of error based on fact must be supported by competent evidence, and a protest may not merely incorporate by reference arguments or factual information provided in a previous protest or court ruling. Further, TRCP must consider whether any lease stipulations or notices that apply to a particular parcel may be relevant to its allegations, and explain how such stipulations or notices do not obviate the allegations. Failure to comply with any of the foregoing may result in the summary dismissal of the protest.

In conclusion, for the above-stated reasons, the TRCP protest is denied as it pertains to parcel UTU86181. The BLM has received an offer on this parcel and will issue a lease to the successful bidder after issuing this and any other relevant decision.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and the enclosed Form 1842-1 (Attachment 1). If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay, pursuant to 43 C.F.R. § 4.21, during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay must show sufficient justification based on the standards listed

below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to the party named in this decision (Attachment 2) and to the Office of the Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office. You will find attached the name and address of the party that purchased parcel UTU86181 at the June 5, 2008 lease sale and who therefore must be served with a copy of any notice of appeal, petition for stay, and statement of reasons.

/s/ Shelley J. Smith

for Juan Palma
State Director

Attachments

1. Form 1842-1
2. Party

cc: Office of the Solicitor, Intermountain Region, 125 So. State St., Suite 6201, SLC, UT 84138.

bcc: Protest Book
Reading File: UT-910, UT-930, UT-922, UT-952
Central Files
WO-310, 501LS
Field Office: Vernal

UT922:pschuller:TRCP 0608 4/10/12

Attachment 1

Form 1842-1

Attachment 2

Stonegate Resources, LLC
ATTN: R. Heggie Wilson
4994 E. Meadows Drive
Park City, UT 84098